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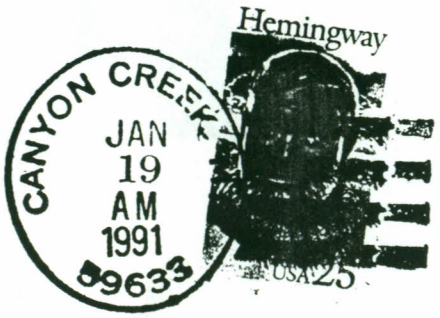

Wanda Kaczynski
463 N Ridge Ave.
Lombard IL 60148

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Tu 17, 1971

Dear Ma—

I've received your letter about the certificate of deposit that you want to make with me as joint tenant. As I understand it, your intention is that (1) you collect the interest on the certificate; (2) there is a tacit understandin that I take neither interest nor principal while you are alive; and (3) after you die the whol certificate passes to me as my absolute proper I haven't yet received the cards you want me to sign, but when I do receive them I wi not sign them immediately, but will wait until I've had your reply to the present letter. I know this may cause you some inconvenience, but I think that inconvenience will be small compared with certain financia and/or legal complications that might arise through your putting this money under my control. Consider the following:

Suppose I go and get myself examined by a heart specialist one of these days and he says, "you've got a 50% chance of dropping dead within three years. Not to worry. If you take one of this pills every day you should live a long time yet. As these things go the pills are relatively inexpensive—they'll only run you about 60 bucks a week." Or suppose I ge bladder problems, and go to a doctor, and h tells me I've got prostate cancer (which, by i way, they say is extremely common in men ove 45). Not to worry. This cancer can easily b cured by taking out your prostate gland. The operation will cost you about $5000.

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You've expressed a willingness to help me out financially if I decide to get my heart examined, but that presumably would be only something in the range of a couple of hundr dollars or so, at most. I assume that you would not be willing to cough up $5000 for an operation or $60 per week for medicine. Especially considering the conflicts and resentment there have been between us.

That leaves the possibility of "public assistance, or welfare, relief, charity", to put it more frankly. Now it could be argued that since I voluntarily dropped out of the system years ago, the system owes me nothing in the way of assistan now. Or it could be argued that since the system has increasingly interfered with my independent way of life here (by cutting down the woods, spraying pesticides that make me afraid to eat the wild herbs and berries, etc. etc., etc.), the system owes me plenty. It would be futile to argue the rights and wrongs of a question like this — any conclusion one might come to would be merely a reflection of one's personal attitudes, not of an objective fact. Suffice it to say that I might not be too noble to avail myself of such govt. medical assistan as may be obtainable. Last fall, when my heart was acting very irregularly on account of various worries and stresses, I did make an inquiry, and it seems there is a state program of medical assistance for which I might be eligible, though to determine whether I actually am eligible would require going throu

an interview and all that crap.

Now here's the problem: If I go and apply for medical assistance, they will of course ask me to list all my financial resources. If I omit any of my resources, that would be fraud and I could probably go to prison for it. So I'd have to mention the savings certificate on which you want me to have my name. They'd say "tough luck — you have too much money for us to be able to help you. We can't give you any money for medical help until that certificate money is exhausted." So I'd be stuck — I couldn't take the certificate money because of my informal understanding with you, and because you need or want the interest on that money and presumably would be unwilling, or unable, or both, to hand over to me enough cash to take care of large medical expenses. I couldn't just hand the certificate money back to you and then go back to the state agency and say "see? no more money — now help me" because that obviously would be just a maneuver to avoid using my own money for doctor bills, and I imagine it would probably constitute fraud.

6034031 DUI K732 FBI LABORATORY

Offhand, I see only the following ways of avoiding this sort of problem.

(a) If by chance you actually are willing and able to provide me with large amounts of money for medical purposes, you could put the certificate in my name (jointly with yours) with the understanding that I could take the money

if (and only if) I needed it for medical expenses.

(b) You could put the money in my name and your name jointly and we could make a legally binding written agreement that would prohibit me from withdrawing any of that money as long as you are alive. True I would not have legal access to the money, and I hope that my title to the money would not prevent me from getting state assistance. Still, it would not look very good on the application form for me to list a substantial sum of money to which I have title, even though I couldn't legally get at it.

(c) Don't put any money in my name and handle this inheritance business some other way.

Also this point: If and when I apply for medical assistance from the state, I expect they will ask me whether I have any relatives who are willing and able to help me financially with my medical expenses. Of course I would have to tell them the truth, otherwise I would risk prosecution for fraud. I imagine I would then be required to ask you for help, and only if you said "no" would I be able to get state assistance. But if you and I made an agreement in advance that you should say "no" simply in order to enable me to get state assistance — the understanding being that you would really be willing to help me if I couldn't get state assistance — then I strongly suspect that that would constitute fraud and could

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get us in very serious trouble. That's why my even writing this letter to you worries me —— I wouldn't want anyone to interpret it as an indication that we are setting up some sort of a shady financial manipulation to enable me to get money from the state. To avoid any such interpretation, I want to STRONGLY EMPHASIZE the following points:

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If you would be willing to help me with large amounts of money in the event of illness or injury, then I am NOT suggesting that you should hold back on that money simply so tha I can get assistance from the govt. instead of from you.

My only purpose in writing this letter is to avoid getting into a trap in which I am legally free to take certain money, but am morally unable to take it because of a tacit understanding that the money is still yours and that you are unwilling or unable to give it to me. My legal access to the money would then prevent me from getting state assistance; I couldn't morally take the money; and if you were unwilling or unable to give me large amounts of money I would be stuck.

Needless to say, I'm not a lawyer. If you consider it worth your while, it might be wise to see a lawyer and ask him about the problems I've raised in this letter; and, more generally, get his advice as to the best way of handling this whole inheritance business.

If you do see a lawyer, you might want to take along this letter to show him.

After you've got all these problems figured out, let me know what you want me to do about signing those cards. But I don't want to sign them if it will get me into the kind of trap I described above — unless you can give me some very good reasons for doing so anyway.

Since Montana welfare regulations are presumably different from those in Illinois, it might be necessary for me to consult a Montana lawyer or get information from the welfare dept. here or some such thing. If you want ~~want to do s~~ me to do something like that, PLEASE just stash your money somewhere and wait until the good weather and let me handle these problems at that time for the following reasons:

In the winter, bicycling to town is difficult and inconvenient — even somewhat dangerous on account of the icy roads. To have any privacy at all I have to use an outdoor phone, and it's not very convenient to call while standing out in the cold.

Going through all this crap of contacting a lawyer or a state agency or any such thing is more stressful for me when I have to do it under these difficult conditions. It's not so bad in summer. You know why I want to avoid stress.

Finally, I don't like to go into town any more than necessary during the flu season. By avoiding town I avoid exposure to disease germs. They say some of these strains of flu are particularly nasty. Bear in mind that getting

sick is more dangerous for me than for other people, because I can't just stay in bed and rest — at the least I have to bring in firewood, cook, and melt snow for drinking water. Moreover, the nearest doctor is in Helena, and, having no vehicle, my only way of getting there is by riding in with the mail carrier — a slow trip that I find fatiguing even when I'm in good health. Also, there's a particularly nasty strain of strep around — it killed eleven people in Billings. So, as I said, during the flu season I prefer to avoid people (and germs) as much as possible.

Needless to say, your money is yours to dispose of as you please — you and Dad certainly earned it. Insofar as you may want to leave any of it to me, I would appreciate it if you would try to handle things in such a way as to inflict on me no more problems, worries, or stress than necessary. You already know why I want to avoid stress. Thanks.

— Ted

P.S. I forgot. What about income tax? If you put my name on that account, that is as if I had acquired money. So is it income that has to be reported to the IRS? Gifts from family members, up to a certain limit, are not reportable, but, between the certificate and the other money you send me, the limit may be exceeded. So please check with the IRS and see if that certificate would force me to file a tax return (wi

otherwise I would not have to file). I just want to have a nice peaceful winter without anything to worry about. So please don't bother me with all this crap until, say, next May, if ever. I'm better off with no money and no stress than with money and stress.

—Ted

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In a more personal vein ——

In a financial sense you've been very generou with Dave and me. And it must be more difficult for you to be generous with a stormy character like me, with whom you've had such conflicts, than with a gentle and easy-going person like Dave. So I want to express my appreciation of your generosity. Thank you.

At some later date I expect I'll write you something on the personal problems there have been between us. Meanwhile, I hope you're getting along OK and hope you had a nice visit with your grandnephew Tyler.

— Ted

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